

**WILLARD CITY CORPORATION
RESOLUTION NO. 2015-19**

A RESOLUTION OF THE WILLARD CITY COUNCIL APPROVING AND ADOPTING FEES TO BE CHARGED BY WILLARD CITY FOR DISCOVERY FEES IN CRIMINAL MATTERS.

WHEREAS, the prosecutor is required by Rule 16 of the Utah Rules of Criminal Procedure to disclose to the defense relevant written or recorded statements of the defendant and other evidence pertaining to the case; and

WHEREAS, Utah Code Ann. § 77-32-305.5 requires reimbursement of costs to assigned attorneys for indigent defendants, effectively mandating such discovery to be produced free of charge to indigent defendants and their court-appointed attorney, but making no such requirement regarding other defendants or the form of the discovery provided; and

WHEREAS, in the conduct of such prosecution duties, the Willard City Council seeks to ensure that such prosecutions are conducted in a manner that does not unduly burden the public; and

WHEREAS, the Willard City Attorney has determined that various expenses which are incurred in the conduct of such prosecutions should more properly be passed on to those individuals necessitating the expenses rather than the residents of Willard City who are not involved in such prosecutions; and

WHEREAS, the Willard City Council has determined that the policy set forth below will be in the best interests of and promote the general health, safety, and welfare of the citizens of Willard City by protecting the proper management, administration, and conduct of Willard City business;

NOW THEREFORE, BE IT RESOLVED by the Willard City Council, State of Utah, with _____ members present and _____ members voting in favor thereof, that the following fee schedule for discovery requests in all Willard City prosecutions is hereby approved and authorized as follows:

SECTION 1: Imposition of Fees

Discovery provided to indigent defendants and/or court-appointed attorney	No charge
Discovery provided by electronic means.....	\$5.00
Discovery provided by other than electronic means (up to 35 pages).....	\$5.00
Discovery provided by other than electronic means (over 35 pages).....	\$5.00 plus \$.15/page exceeding 35 pages

Audio, video, or photos provided by
other than electronic means.....\$5.00/disc

SECTION 2: Severability

If any section, part, or provision of this Resolution is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Resolution. All sections, parts, and provisions of this Resolution shall be severable.

SECTION3: Effective Date

This Resolution shall become effective immediately upon its passage.

ADOPTED AND APPROVED in regular session this 12th day of November, 2015.

ATTEST:

City Recorder

Mayor